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ABSTRACT

This publication is intended to provide valuable suggestions to local school officials to help them develop and adopt policies and procedures designed to assure equal opportunities in education without discrimination. The guide deals both with concerns related to instructional and extracurricular school programs and issues related to employment and personnel practices. The appendix contains a model procedure for resolving discrimination complaints, a sample school district equal opportunity checklist, two model district equal opportunity plans, and model procedures for evaluating the development and implementation of a district's equal opportunity plans. Although the guide was prepared specifically for use by school board members and administrators in Oregon, it will be of value to school officials in other states as well. (JG)

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SUGGESTED PERSONNEL POLICY GUIDELINES FOR SCHOOL DISTRICTS

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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EQUAL OPPORTUNITIES IN EDUCATION

Instruction and Employment

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A SUGGESTED POLICY GUIDE

FOR SCHOOL DISTRICTS

January 1977

EQUAL OPPORTUNITIES IN EDUCATION
Instruction and Employment

Oregon Department of Education
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STATEMENT OF ASSURANCE

Oregon Department of Education

It is the policy of the Oregon Department of Education that no person be subjected to discrimination on the basis of race, national origin, religion, sex, age, handicap, or marital status in any program, service, or activity for which the Oregon Department of Education is responsible. The Department will comply with the requirements of state and federal law concerning nondiscrimination and will strive by its actions to enhance the dignity and worth of all persons.

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FOREWORD

The federal and state governments place strong emphasis on achieving equal opportunity for all persons in their relationships with public schools. The matter is extremely complex, for not only do legislative bodies establish laws regarding equal opportunity, but the courts establish "case law" through the decisions they reach on these concerns. Additional details governing the conduct of public bodies, including school districts, are found in the rules and regulations of boards, commissions and other groups established by law to provide for the implementation of legislative decisions.

This publication is prepared to update earlier ODE documents relating to equal opportunity in education. These are Affirmative Action (March 1974) and Equal Educational Opportunities (January 1975), both now withdrawn from circulation.

It is anticipated that a single document covering the issues surrounding equal opportunities in education will be able to deal with both the concerns for instructional and activities programs offered without discrimination, and employment without bias based on race, national origin, religion, sex, age, handicap or marital status. The reader may wish to keep both areas of concern in mind in using this document. Much of the content applies to both, but care must be exercised to note the special emphasis that occurs relating to one or the other of opportunities for equal education and for equal employment.

The contents of this guide are suggestions only to school boards and district administrators. Each district must develop its own policies, plans, and procedures which will reflect the needs of its area. The goal of Equal Opportunities in Education is to provide for every person, student, parent, or other citizen, equal treatment in the programs and services provided by schools in the district, and to equal treatment for applicants for employment in or as an employee of the district.

Milt Baum
Associate Superintendent

Don Kipp
Director

January 1977

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GENERAL (EQUAL OPPORTUNITY IN EDUCATION)

INTRODUCTION

The State Board of Education and the Department of Education are committed to equal opportunity in education in instruction and employment for all persons in Oregon school districts, regardless of race, national origin, religion, sex, age, handicap or marital status. Laws, policies and legal precedents are not solutions to the problems created by inequality. They provide the tools whereby students, educators and citizens can act against injustice.

The Oregon Administrative Rules adopted by the State Board of Education, OAR 581-21-045 to 581-21-049 (pages 4-8), are based on the authority and direction given the Board by the following.

Authority

The fundamental provision of law regulating equal opportunity in education is the 14th Amendment to the United States Constitution, and subsequent laws of the Congress and the Oregon legislature. These include the Civil Rights Acts of the late 1800's; federal legislation found in the Civil Rights Acts of 1964, Titles VI and VII; Title IX of the 1972 Act; the Equal Employment Opportunity Act of 1972; Chapter 659 of the Oregon Revised Statutes; Chapter 204 (HB 2131) of the 1975 Oregon Laws; and Presidential Executive Order No. 11246.

This guide has been prepared to give assistance and direction to local school districts in implementing OAR 581-21-045 to 581-21-049, which are the regulations through which the State Board of Education provides for implementing the laws cited above and the court decisions on these and related matters.

Where local policies, rules and procedures do not exist, it is recommended that they be developed. Existing policies, rules or procedures which are not consistent with these regulations should be revised.

Cautionary Note

It should be noted that there are four levels of government at which conclusions may be reached regarding the appropriateness of efforts to meet these requirements for equal opportunities in education.

Local District. The first level is district school board which should determine how closely the policies developed meet Oregon Administrative Rules. Most boards will want to seek legal counsel and perhaps other help from state and county school personnel in developing rules and procedures.

Oregon Department of Education. Two of the four levels of judgment regarding the appropriateness of local policies, rules and procedures are at the state level. The first is the accreditation requirement to determine that the schools and the district are "standard." The requirements for standardization are minimal as they relate to equal opportunities in education, and a standard district is not necessarily one that meets all requirements of the other Department rules on these matters.

The other state source is that provided by the Department personnel assigned responsibility of providing technical assistance to districts as they develop and use local policies, rules and procedures. Districts using this assistance will usually find that the local decisions will meet the requirements of equal opportunities as provided by districts.

Federal Agencies. A number of federal agencies, including the Office for Civil Rights, Department of Health, Education and Welfare, and the Equal Employment Opportunity Commission have responsibility for assuring that federal laws, and regulations stemming from them, are followed in public agencies of government in the several states. The HEW staff most often get involved when complaints are filed with them, at which time investigations start to determine the degree to which local school districts have developed and implemented the necessary policies, plans and procedures as required at the federal level. It is possible that a district may have been considered to have met all requirements as suggested by state personnel, and still be found remiss in some detail of federal regulations.

Complaints

It is very possible that districts may receive a complaint alleging a violation of some aspect of the equal opportunities requirements. Even districts with carefully developed policies, rules and procedures may not be free from such charge. A district which has carefully developed and placed in writing its policies, rules and procedures, and has followed them will be in the best position to defend itself against such a charge.

Local Level. The local district, having developed policies, rules and procedures, should announce them widely in the district. Every effort should be made to have persons with a potential complaint to raise their concerns with local administrators, and, if necessary, with the local board. It is expected that most complaints regarding discrimination under equal opportunities can be resolved fairly at the local level.

State Level. The Rules of the State Board of Education provide for a process for receiving and investigating complaints that may be directed to the Board. These are found in OAR 581-21-049. They direct the State Superintendent of Public Instruction to take disciplinary action if it is proven that discrimination does exist and that it is not corrected.

Federal Level. The federal agencies may also receive a complaint, either directly from the complaintant without using the two levels listed above, or as a result of dissatisfaction with the results obtained in-state. The staff of the federal agency may declare a district in noncompliance and assess a penalty, usually to withhold federal funds. A school district may, if the decision is adverse to the district, then ask for a hearing.

The Courts. The final level of appeal by a party with a complaint which has not been resolved in one of the three levels given above, or by direct first-step action, is the courts. Appeal may, in time, be to the Supreme Court. The decision of the highest court hearing the complaint is final.

Summary.

It is clear from the previous pages that the matter of equal opportunities in education is a complex issue. It applies to the employment, promotion, assignment and retention of employees of the district; it speaks to the kinds of courses offered and the freedom of choice granted students, the provision and use of building facilities and the extra-curricular activities of the school. It is impossible to respond to all possible issues.

It is the purpose of this publication to provide the best available suggestions to local boards and district administrators to help them develop and adopt and use the wisest policies, rules and procedures meeting the intent of law and regulation designed to assure equal opportunities in education without discrimination. Eliminating the conditions which cause discrimination will require persistent effort on the part of all citizens--administrators, teachers, students, parents, the community and school boards.

DEPARTMENT OF EDUCATION ADMINISTRATIVE RULES

Equal Employment and Equal Opportunity

OAR 581-21-045 to 581-21-049

(These Rules are presented here to assist district administrators to have easy and direct access to Rules governing equal opportunity in education.)

Discrimination Prohibited
581-21-045
(1) Definitions

(a) Discrimination (as used in the rules regarding nondiscrimination) means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, national origin, religion, sex, age, handicap, or marital status. (ORS 659.150)

(b) The words, District, School District (as used in the rules regarding nondiscrimination) include all public elementary, secondary, unified or union high school districts, intermediate education districts, and county units, and 11 educational agencies, programs, and services under the jurisdiction of the State Board of Education, except community college programs.

(2) General. No person in Oregon shall be subjected to discrimination in any public elementary or secondary school, educational program or service, or interschool activity where the program, service, school, or activity is financed in whole or part by monies appropriated by the Legislative Assembly.

(3) Specific Prohibitions. In providing programs or services to students, a school distirct shall not, on a discriminatory basis as defined in Section (1) (a) of this rule:

(a) Treat one person differently from another in determining whether such person satisfies any requirement of condition for the provision of such aid, benefit, or service;

(b) Provide different aid, benefits, or services; or provide aid, benefits, or services in a different manner;

(c) Deny any person such aid, benefit, or service;

(d) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(e) Aid or perpetuate discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employees;

(f) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(4) Exceptions. These rules shall not affect attendance boundaries, limit placement of students in programs of desegregation, nor supersede any specific statutory requirement for any educational program.

Program Compliance Standards (581-21-046)

(1) Access to Course Offerings. A school district shall not provide any course or otherwise carry out any of its educational programs or activities on a discriminatory basis as defined in ORS 659.150 or require or refuse participation therein by any of its students on such basis.

(a) This section does not prohibit grouping of students in any educational program or activity by ability as assessed by objective standards of individual performance.

(b) Where use of an objective standard of measuring skill or progress in an educational program has a discriminatory effect on persons as defined in OAR 21-045, the district shall use appropriate standards which do not have such effect.

(c) This section does not prohibit separating students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, soccer, and other sports the purpose or major activity of which involves bodily contact.

(2) Employment Assistance. A district which actively assists any agency, organization, or person in making employment available to any of its students shall assure itself that such employment is made available without discrimination.

(3) Marital Status. A district shall not discriminate against any student or exclude any student from its educational program or activity including any class or extracurricular activity on the basis of the student's marital status unless the student requests voluntarily to participate in a separate portion of the program or activity of the district.

(4) Athletics. A district which operates or sponsors interscholastic club or intramural athletics shall provide equal athletic opportunity for members of both sexes, all age and ethnic groups, and persons with handicaps. In determining whether equal opportunities are available, the Superintendent of Public Instruction shall consider among other factors whether the selection of sports and levels of competition effectively accommodate the interests and abilities of all students.

(5) Students Unable to Attend Because of Religious Beliefs. Any student who because of his or her religious beliefs is unable to attend classes on a particular day shall be excused from attendance requirements and from any examination or other assignment on that day. The student shall make up the examination or other assignment missed because of such absence.

(6) Textbooks and Curriculum Material. Nothing in this rule shall be interpreted as requiring or prohibiting or abridging in any way the use of adopted textbook or curriculum materials. However, where materials are found upon investigation to provide discriminatory impact on the basis of race, national origin, religion, sex, age, handicap, or marital status, there should be established resources for employees and students of the district for supplemental alternative non-discriminatory material.

(7) Use of Appraisal and Counseling Materials. A district which uses testing or other materials for appraising or counseling students shall not use materials which discriminate on the basis of race, national origin, religion, sex, age, handicap, or marital status, or use materials which permit or require different treatment of students on such basis unless such differences cover the same occupation and interest areas and the use of such different material is shown to be essential to the elimination of discrimination. Districts shall develop and use internal procedures for insuring that such materials may not discriminate.

(8) Bilingual or Linguistically Different Students. Districts shall develop and implement a plan for identifying students whose primary language is other than English and shall provide such students with appropriate programs until they are able to use the English language in a manner that allows effective and relevant participation in regular classroom instruction and other educational activities.

(9) Equal Educational Opportunity Plans. Districts shall develop and implement a plan which assures that all students have equal opportunity to participate in the educational programs and activities and equal access to facilities in the district.

Said plan shall include courses and/or components which provide students with an understanding of the pluralistic realities of their society, including multicultural/racial/ethnic education and equity in portraying all classes protected under ORS 659.150. Upon the request of the Superintendent of Public Instruction, districts shall submit copies of such plans and other assurances as are deemed necessary and proper.

(10) Interpretation of Rules. The Superintendent of Public Instruction may issue written interpretations concerning rules for nondiscrimination upon the written request of parties to a complaint at the district level.

Discrimination in Employment Prohibited

581-21-048 No person in Oregon shall on the basis of race, national origin, religion, sex, age, handicap, or marital status be discriminated against in any terms or conditions of employment. This rule shall apply subject to exemptions granted by state or federal law to any preschool, elementary, secondary, vocational, or post-secondary agency or program coming under the Board's jurisdiction. Every such district, agency, or program shall develop and implement an affirmative action plan. At the request of the Superintendent of Public Instruction, such plan shall be submitted to the Department of Education along with any other assurances which are deemed reasonable and proper.

Hearings and Appeals

581-21-049 Districts shall adopt written procedures for the prompt resolution of complaints of discrimination. Persons may, after exhausting local grievance procedures or 90 days (whichever occurs first) appeal in writing to the Superintendent of Public Instruction. The Superintendent shall review the local school district procedures and findings of fact to determine if proper procedures were followed and what action if any shall be taken. In making this determination, the Superintendent may decide:

(a) No substantial evidence exists for the charges of discrimination, and no further action will be taken.

(b) Discrimination may exist, and conciliation will be attempted to reach agreement by both parties.

If conciliation fails to resolve the parties' differences within 30 days, the Superintendent shall promptly establish a date for a hearing on the complaint. Said hearing shall be conducted within 30 days of failure of conciliation unless both parties agree to an extension of the period. The hearing shall be conducted in accordance with provisions of Oregon's Administrative Procedures Act.

In conducting the hearing required by this rule, the Superintendent of Public Instruction shall determine if a local district is in compliance with the provisions of ORS 659.150.

When a complaint of discrimination has been appealed to the Superintendent of Public Instruction, and the district has been found not to be in compliance with ORS 659.150, the Superintendent of Public Instruction shall issue an order requiring compliance within 30 days. If the district does not comply within 30 days, the Superintendent of Public Instruction shall order appropriate remedies which may include:

(a) Withholding of all or part of each quarterly payment of the basic school support fund due the district under ORS 327.095,

(b) Daily fines assessed against the district,

(c) Forbidding the district to participate in interschool activities,

(d) Other appropriate remedies.

The Superintendent of Public Instruction shall report such action to the Oregon Board of Education at its next regular meeting.

PROCEDURES

The following pages outline the content and provide suggestions for district statement of policies, rules and procedures designed to assist district boards and administrators to meet the Oregon Administrative Rules on equal opportunities in education.

> Local boards should remember that these are only suggestions. Boards and administrators should seek advice and counsel from the district legal advisor and others as necessary to be sure board action reflects local conditions and needs.

In the development of these statements, the local district board may wish to:

1. Use a representative body or advisory committee, including staff members, parents and general public.
2. Provide for review of the statements at properly announced public hearings.
3. Take action to adopt as part of the announced agenda at a school board meeting.
4. Make copies available to staff and public at places announced through the media.

The general location of policies in the district policy manual is suggested here. The blank spaces following "Policy" in the three models and elsewhere in this publication will be used to insert the policy, section of other number as appropriate to the districts local coding system. The filing and other placement of rules and procedures should be consistent with use in the district, but should in every case be easily available to board members, district staff, and the public.

The three suggested model policies that follow on the next pages may appear to be the same. The first is in keeping with and meets the intent to deal with equal opportunities in the broad sense as they apply to all aspects of educational programs and services. It should be placed in the general administration section of policies, and gives direction to the assignment of responsibilities for implementing equal opportunity programs.

The second model policy deals with the specific concerns for equal employment and belongs in the personnel section, while the third provides for equal educational (instructional) opportunity and should be placed in the pupil personnel or instruction sections.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

SUGGESTED DISTRICT MODEL POLICIES

A Model Equal Opportunity in Education Policy

Article _____: Administration

Equal Opportunity

The _____ School District, represented by the elected District School Board, adopts and affirms its intent to provide equal opportunity to all persons. It will design and provide programs to eliminate discrimination in all district activities that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, national origin, religion, sex, age, handicap or marital status.

To this end, it directs the administrative officer of the district to develop plans and procedures, with necessary rules and regulations to accomplish these purposes, and to do so by involving staff and public in their development, to submit them to the board for approval, to announce them generally to staff and public, and to provide for their implementation in practice.

(See also Article _____, Equal Employment Opportunity and Article _____, Equal Educational Opportunity.)

Article _____: Conditions of Employment

Equal Employment Opportunity (Affirmative Action)*

Equal employment opportunity and treatment shall be provided in hiring, retention, assignment, transfer, promotion and training of all employees regardless of race, national origin, religion, sex, age, handicap or marital status. Equal opportunity in hiring and advancement will be based on specific organizational needs, and individual qualifications for and/or performance of specific duties. Continuous effort will be devoted to the improvement of human relationships and to eliminate conditions from which discrimination in employment and treatment of staff may result.

(See also Article _____, Equal Opportunity, and Article _____, Equal Educational Opportunity.)

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*This publication uses equal employment opportunity rather than affirmative action. The former is intended to include all aspects of personnel employment, assignment, improvement, evaluation and retention/dismissal; the latter only the activities surrounding initial employment.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

A Model Policy on Equal Educational Opportunity

Article _____: Pupil Personnel

Equal Educational Opportunity

All students shall be assured equal educational opportunity and treatment. No student legally enrolled in the district shall, on the basis of race, national origin, religion, sex, age, handicap, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity administered or authorized by the district school board. Exceptions shall be only as provided in OAR 581-21-046(1)(c).

The school district staff is directed to make a continuous effort to provide equal educational opportunities for students and to eliminate those conditions which may cause discrimination.

(See also Article _____, Equal Opportunity and Article _____, Equal Employment Opportunity.)

EMPLOYMENT AND PERSONNEL PRACTICES (EQUAL EMPLOYMENT OPPORTUNITY)

DEVELOPMENT OF DISTRICT PLAN

The following pages provide suggestions for the development and content of district plans designed to accomplish the intent of the local policies. These, also, are suggestions and should be modified and board adopted as they may best meet the requirements in terms of local conditions.

It will be noted that a clear separation is now made between employment and educational equality.

Equal Employment Opportunity Plan

A. District Policy Statement. It is desirable to review the district policy on equal educational opportunity at least yearly. The language should be considered, and also the ways in which it has served during the past year. The public should be informed of meetings when the district board may be considering renewal of or change in the policy.

B. The Plan for Equal Employment Opportunity (Affirmative Action).

1. The plan should clearly provide for delegation of authority and responsibility for the development and use of the district procedure.

   a. The responsibility of the school board should be stipulated, to include the adoption and review of policies, the delegation of responsibility, the schedule for annual review and update of the plan, and the naming of an Affirmative Action Officer.

   b. The responsibility and authority of the district administrator (superintendent) should be clearly delineated and provision made for regular review of performance of the officer.

   c. The position and responsibility and duties of the district Affirmative Action Officer should be clearly spelled out, and regular performance reports and evaluative judgments required. The plan should provide for the annual naming (or reappointment) of this officer of the district.

2. The plan should provide for the printing and distribution of the plan to students, parents and general public. The plan should include the identification of the media to be used in announcing the plan, where the plan may be obtained and how it may be evaluated.

3. Affirmative Action Advisory Committee.

   a. The district may wish to name an Affirmative Action Advisory Committee to work with and advise the Affirmative Action Officer.

      1) The duties and responsibilities of the committee should be clearly outlined.

      2) The membership should be for a fixed number of years, with overlapping terms.

      3) The membership should be representative of all segments of the district.

   b. The Committee should meet as needed to carry out the following responsibilities.

   c. Its duties should include advising on the development and updating of the district plan.

   d. The Committee should annually evaluate the plan as to its effectiveness and identify parts that need change.

   e. The Committee should report annually, or more often as needed, to the school board.

4. Utilization Analysis.

   a. The plan should include a procedure for obtaining information about the current and estimated staff for the following year to show:

      1) The types of positions by grade levels, as appropriate.

      2) The number employed by ethnic and sex groupings.

   b. The plan should include a procedure for analysis and review of the position descriptions for all staff types.

   c. The plan should include a review of the procedures used in announcing vacancies and otherwise soliciting applicants for employment.

   d. The plan should review the ways in which employment interviews and decisions for offering employment are made.

   e. The plan should include a review of the procedures used by the district to transfer, promote and dismiss employees.

   f. The plan should include an analysis of the populations served by the school, and of those from which potential employees are sought.

5. Affirmative Action Program Goals. (This title is retained here because the substance of this section is that usually included in this category.)

   a. The Affirmative Action Plan should include long-range goals for employing, retaining and promoting staff so as to bring all levels of staff positions into balance with the percentage of minorities and women in the total labor force in the area from which the district can reasonably recruit. These goals should indicate what the board hopes to achieve by the end of five (or other number) years, and may be updated annually.

   b. The Affirmative Action Plan should include short-range goals that will provide a target for district administrators to reach and the particular timetables to be observed in the employment and assignment of staff members in keeping with the long-range goals.

6. The district should review present staff evaluation procedures, for both certificated and classified staff and district administrators to be sure that the process is consistent with equal treatment of all classes of employees.

   a. The evaluation documents should be appropriate to the classes of employees of the district, and in language that can be clearly understood.

   b. The evaluation should use position descriptions as the basis for judgment.

   c. The evaluation should be based, as far as possible, on the joint development and use of performance goals.

   d. The evaluation procedure should include statements as to the ways in which staff members may be, and have been, helped to achieve performance goals.

   e. The formal evaluation, made on an annual basis, must use state forms and those developed locally.

7. Evaluation of the Plan. The district equal employment opportunity plan should be evaluated annually. The Advisory Committe, Affirmative Action Officer, superintendent and school board should all be involved in the evaluation, in the decisions as to effectiveness and in proposals for changes, if needed.

8. Complaint Process. The plan should make clear, in a manner that may be understood by (or otherwise explained to) all segments of the public served by the district. The process should be described in writing, and all forms, if any, readily available and designed for easy use. It should include appropriate time limits for the various steps.

The plan, and its dissemination, should clearly emphasize that all complaints filed under the authority of the Oregon Administrative Rules should be first addressed to the district administration and, if not resolved, then to the district school board, which will make every effort to resolve the issue.

A sample "Process for Resolving Complaints of Discrimination" may be found in the Appendix, on pages 23-25.

C. Contracting and Purchasing Practices. The district should have adopted procedures for notifying all contractors and suppliers of the district policies concerning equal employment opportunity. Unless there is an actual emergency, district staff should be instructed to deal only with those contractors who give voluntary assurance they do not engage in discriminatory practices.

D. Model Affirmative Action Plans and Checklist.

1. Two model Equal Employment Opportunity (Affirmative Action) plans may be found in the Appendix, pages 28-31 and 32-33. <u>These plans should be modified to meet local conditions and needs</u>.

2. A checklist may be found in the Appendix, pages 26-27. Note that this has been coded to the State Board of Education rules that apply to the elementary/secondary minimum standards.

DEVELOPMENT OF DISTRICT PLAN

Equal Educational Opportunity Plan

A. District Policy Statement. It is desirable to review the district policy on equal educational opportunity at least yearly. The language should be considered, and also the ways in which the policy has served during the past year. The public should be informed of meetings when the district school board may be considering renewal of or change in the policy.

B. The plan should clearly provide for delegation of authority and responsibility for the development and use of the district procedure.

1. The responsibility of the school board should be stipulated, to include the adoption and review of policies, the delegation of responsibility, the schedule for annual review and update of the plan, and the naming of an Educational Opportunity Officer.

2. The responsibility and authority of the district administrator (superintendent) should be clearly delineated, and provision made for regular review of performance of the officer.

3. The position and responsibility and duties of the district Educational Opportunity Officer should be clearly spelled out, and regular performance reports and evaluative judgments required. The plan should provide for the annual naming (or reappointment) of this officer of the district.

C. Student Population and Distribution. The district should annually conduct or update a study of the distribution of student population, by race, national origin, religion, sex, age, handicap and marital status.

1. The district survey should direct particular attention to the requirements of federal Title IX, Public Law 92-318, passed in 1972.

a. This Title provides that: "no person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program, or activity receiving federal financial assistance."

b. This regulation deals specifically with discrimination by sex. However, the substance of the regulation may be applied to all other forms of educational discrimination.

c. A model of a plan for a local school district as it provides for compliance with Title IX may be found in the Appendix, pages 40-43. While specifically designed to assist the district with Title IX, the contents will also apply to other forms of discrimination.

4. The district should make a study of the native language of all students enrolled in the schools of the district, to include the level of current competence in the use of the English language as used in the classroom. (OAR 581-21-046 (8)).

D. Personnel Characteristics. Various factors involving district staff apply to equal educational opportunity, and district plans should include consideration for the following:

1. The selection, assignment and retention of employees, as outlined in equal employment opportunity (see above.) (OAR 581-21-048.)

2. Identification of the pluralistic nature of the staff, with a positive plan for reducing behavior that may result in discrimination. (OAR 581-21-046(1)(a)).

3. A planned effort to assist all staff to identify with and be concerned for people of all races, especially those found among the district students.

4. Assistance, through in-service activities, for the staff to:

   a. Help children with reading difficulties to develop basic skills in the use of the English language. (OAR 581-21-046 (8)).

   b. Assist staff and children to develop a positive self-concept and affirmative attitude toward the community and people in it.

   c. Reduce inconsistent procedures in administering student discipline, including the identification of such practices, even when they are unintentional.

   d. Develop skills in counseling children from all ethnic groups.

   e. Learn the need for and skills in grouping and regrouping children for learning experiences that tend to break down ethnic and cultural barriers. (OAR 581-21-046 (1)(a) and (7)).

5. Thorough study and analysis of the testing program and devices used in the district to select, use, summarize and interpret results in a manner that considers the variety of backgrounds found among district students. (OAR 581-21-046 (1)(b)).

E. Community Involvement. Relationships among the district board and staff and the community generally, and particularly the parents of school children, are of special concern in the development and implementation of equal educational opportunity plans. The following should be considered:

1. The district board may wish to name a special equal educational opportunity committee. The committee may be the same as, or similar to, that appointed to assist with affirmative action planning. See page 13, B.3.

2. Every opportunity to communicate with and assist the public to learn about equal educational opportunity programs and needs should be sought.

   a. Parent-teacher organizations, and parent-teacher conferences about student progress may both provide opportunities for communication.

   b. Special adult and community education activities will offer opportunities for adults to deal with and learn about the problems of or potential for discrimination.

   c. The process of involving citizens of the community in district planning and, when appropriate, decision making is worthy of careful study and possible implementation.

3. The district school board should plan to disseminate information about the equal educational opportunity plans and related activities to the district residents in every possible way. In addition to that provided in the previous section (2, just above), there should be specific plans for the use of area media to provide such information. See page 12, B.2.

F. Goals and Timetables, The district school board, on advice of the staff should have target dates for implementing the plans and procedures that are developed to assist in providing equal educational opportunity and to reduce all forms of discrimination. These plans should be reviewed and updated annually.

G. Evaluation of Equal Educational Opportunity Plan. The plan should provide for at least an annual evaluation, which should include:

1. The kind of data, the form(s) to be used and the sample to be involved, based on specific questions that need to be answered.

2. These data should be field tested, summarized and interpreted in terms of the questions.

3. There should be a timetable for the gathering and reporting the results of analysis of the data.

4. There should be recommendations developed as a consequence of the evaluation, when the results require such action.

5. These results and recommendations should be reported by the administration to the school board.

H. Complaint Procedures.

1. The equal educational opportunity plan should make clear, in a manner that may be understood by (or otherwise explained to) all segments of the public served by the district. The process should be described in writing, and all forms, if any, readily available and designed for easy use. It should include appropriate time limits for the various steps.

2. The plan and its dissemination should clearly emphasize that all complaints should be first addressed to the district administration and, if not resolved, then to the district board, which will make every effort to resolve the issue.

3. A sample "Process for Resolving Complaints of Discrimination" may be found in the Appendix, on pages 23-24.

I. Evaluation Statements Relating to Equal Educational Opportunity and Checklist.

1. A series of statements relating to equal educational opportunity that may serve as a guide to school districts is found in the Appendix, pages 44-47.

2. A checklist may be found in the Appendix, pages 26-27. Note that this has been coded to the State Board of Education rules that apply to the elementary/secondary minimum standards.

SOURCES OF ASSISTANCE

Assistance to school district board and administrators in the development and implementation of equal opportunity in education plans may be obtained from the following sources.

Offices

Oregon Department of Education
942 Lancaster Drive NE; Salem, 97310

Coordinator, Title IV Civil Rights
Phone 378-3062
(Equal Opportunity, Bilingual and Multicultural Assistance, Desegregation, Pluralistic Education)

Equal Education and Legal Specialist
Phone 378-5448
Title IX HB 2131, Affirmative Action

Department of Health, Education and Welfare
Office Civil Rights, Region X Office
1321 Second Avenue, Seattle, WA 98101

Oregon Department of Labor
Wage and Hour Division
Employment Standards Administration
115 Labor and Industries Building
Salem, OR 97310

U.S. Department of Labor
Office of Federal Contract Compliance
Employment Standards Administration
Regional Office
1321 Second Avenue, Seattle, WA 98101

Oregon State Employment Offices--Regional/Salem

Publications

Equal Educational Opportunity Resource Handbook, prepared by the Compensatory Education Section, Division of Special Program Assistance, Oregon Department of Education, Salem, Oregon (September 1976).

APPENDIX

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

SUGGESTED MODEL

_____ School District

_____, Oregon

PROCESS FOR RESOLVING COMPLAINTS OF DISCRIMINATION

Federal and state laws prohibit discrimination on the basis of race, national origin, religion, sex, age, handicap or marital status, in instructional programs, extracurricular activities and employment. The school district has adopted the following process to be used by persons who wish to file complaints relating to discrimination. Complaint forms are available in school offices and at the Central Administration office located at _____.

STEP I. Informal Resolution

Any person who feels discriminated against in violation of law is encouraged to discuss the matter with the individual alleged to have caused the discrimination, or with the principal of the school if the incident occurred in a specific building. This must be done within two weeks of learning of the possible discrimination. If such a discussion does not resolve the matter, or is impractical, the complainant should then contact (Affirmative Action Officer or other person assigned responsibility) at _____.

STEP II. Complaint

If the complainant is dissatisfied with the results under Step I, a formal complaint may be filed with _____ within two weeks after termination of efforts in Step I. The complaint will be in writing and should contain specific details covering the incident and the desired remedy. The complaint form should be taken or mailed to _____ at _____. On receipt of the complaint, an investigation will be conducted to determine if unlawful discrimination has occurred. Within 30 days after the receipt of the complaint, the district will respond in writing to the complainant. The response shall state whether or not the district believes discrimination has occurred and what steps might be undertaken to resolve the problem if it exists.

STEP III. Appeal

If the complainant is not satisfied with the disposition of the complaint at Step II, a written appeal may be filed with the superintendent within two weeks of the response determined in Step II. The superintendent shall determine whether to review the case based upon the written appeal. An informal hearing, if held, must be provided within 15 days of receipt of the appeal. If the superintendent decides to hold a hearing, a decision must be reached, placed in writing, and sent the complainant within 25 calendar days of receipt of the appeal.

NOTE: Local boards may wish to provide that the superintendent hear the complaint in Step II and the board be involved in Step III.

DISCRIMINATION COMPLAINT

Person filing complaint _____ Date of event _____

Address _____ Location _____

Phone _____ Persons Involved:

_____

_____

_____

I believe I was discriminated against because of my:

☐ Race ☐ National Origin ☐ Religion ☐ Sex

☐ Age ☐ Handicap ☐ Marital Status ☐ Other

SPECIFIC COMPLAINT: (Please provide detailed information including the results of informal discussions at Step I.)

REMEDY REQUESTED:

Complaint form should be mailed or taken to the District Administration Office _____

EQUAL OPPORTUNITY CHECKLIST

District Name and Number _____ Date _____

County _____ Evaluator _____

Complete the following as accurately as possible as observed during the visit to the above-named district.

A. 581-22-241 (a) Affirmative Action/Equal Employment Opportunity

Does the district have a written affirmative action plan? Yes ____ No ____

1. Does the plan say anything about the delegation of responsibility for affirmative action? Yes ____ No ____

2. Does the plan say anything about how it will be disseminated to staff and students? Yes ____ No ____

3. Does the plan contain a utilization analysis? (a staff profile by race, sex, etc.) Yes ____ No ____

4. Does the plan contain specific objectives? Yes ____ No ____

5. Does the plan contain any provisions regarding evaluation of affirmative action efforts? Yes ____ No ____

6. Does the plan contain a complaint process for complaints concerning discrimination? Yes ____ No ____

B. 581-22-242 - Equal Educational Opportunity

1. Does the district have a written policy concerning equal educational opportunities? Yes ____ No ____

2. Does the district have any data or studies showing student enrollment patterns, e.g., substantial minority student enrollment, female student enrollment, handicapped student enrollment, or bilingual student enrollment? Yes ____ No ____

3. Does the district have any plan for curriculum review or modification, e.g., courses or components concerning multicultural education, cultural relevancy, cultural bias or bilingual programs? Yes ____ No ____

4. Does the district have any programs to involve the community, e. g. parent education, community education or advisory committees? Yes ____ No ____

5. Does the district have any staff development plans, e.g., programs designed to give staff a greater awareness of different cultures and minorities? Yes ____ No ____

6. Facilities planning--does the district have any plans for modification or construction of new facilities to comply with equal educational opportunity requirements? Yes ____ No ____

7. Has the district completed a Title IX self-evaluation? Yes ____ No ____

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

_____ SCHOOL DISTRICT EMPLOYMENT (AFFIRMATIVE ACTION) PLAN

A. Equal Employment Opportunity Policy, File: _____, Equal Educational Opportunities Policy, File: _____.

B. Affirmative Action Plan:

As part of the implementation of its equal employment opportunity policy, the _____ School District will continue to attempt to make its policy known to segments of the population who have been unaware of its existence. As part of the district's equal educational opportunities for all children, the district will continue its efforts to make its staff more representative of the community and the State of Oregon.

1. Administrative Responsibility:

At least once each year, the _____ Board of Education shall review the affirmative action plan and make any necessary changes or amendments. While the board is ultimately responsible for the development and implementation of affirmative action, specific authority is delegated as follows:

a. The superintendent has the basic responsibility for the implementation of the plan and is the affirmative action officer of the district.

b. The superintendent is responsible for the periodic review of the plan to insure that it is being implemented throughout the district and that objectives are being met. He shall prepare reports for the board recommending additional steps or changes needed to achieve the goals of the plan and he shall also familiarize himself with the various laws and regulations affecting affirmative action requirements.

c. To assist the superintendent, the _____ School Community Committee shall serve as the advisory committee for the affirmative action plan. The _____ School Community Committee constitution or bylaws is part of the school policy. Its responsibility is to assist the superintendent in the development of recommendations for further affirmative action.

2. Dissemination of Policy:

The policy will be implemented throughout the district and communicated to individuals and organizations as follows:

a. The policy is included in the personnel policies of the district as part of a continuing component of the policies.

b. It will be publicized in the district's annual brochure, monthly newsletters and other media.

c. A copy of the policy will be issued to every employee and will be issued to all persons engaged in the hiring, placement, training and education of employees.

d. Notices required by the Equal Employment Opportunity Commission; the Office for Civil Rights; the Department of Health, Education and Welfare; and other state and federal human rights agencies will be displayed in working areas.

e. Written notice of this policy will be available for all major district contractors, vendors, and suppliers that the district is an equal opportunity district.

f. All sources of employee recruitment: employment agencies, minority organizations, community groups and college placement offices shall be informed that this district is an equal opportunity district.

3. Utilization Analysis Chart

October 1, 1975

	WHITE		BLACK		SPANISH		ASIAN		OTHER		TOTAL	
	F	M	F	M	F	M	F	M	F	M	F	M
Administration		4										4
Teachers Grade School	13	7		1		1		1		1	14	10
Teachers High School	11	14				1		1	1	1	12	17
Classified Grade School	19	3			6		2				27	3
Classified High School	5	2				2	1				6	4
Subtotal	48	30		1	7	3	3	2	1	2	59	38
Total	78		1		10		5		3		97	

1976 Estimated as of October 1.

Administration		3										3
Teachers Grade School	14	6		1	1	1		1		1	15	10
Teachers High School	11	14				1		1	1	1	12	17
Classified Grade School	16	3			5		1				22	3
Classified High School	5	3					1				6	3
Subtotal	46	29		1	6	2	2	2	1	2	55	36
Total	75		1		8		4		3		91	

4. Goals:

   a. A goal and aspiration for _____ Public Schools is to employ an equitable distribution of minority personnel as represented throughout the district. The purpose is to provide students with role models which reflect the different groups making up the community of _____, Oregon.

   b. A second goal is to eliminate all district regulations and practices which have the effect of preventing individuals from being considered on their own merits in all matters relating to employment, recruitment, transfer, assignment, etc.

   c. It is another goal of the district to continue to reach out and actively publicize its status as a district which encourages and welcomes all persons to apply for staff positions.

5. Proposed Objectives and Timetables:

   a. Staffing - to place one minority on the administrative staff of the district within the next two years. Continued efforts will be made to retain minority employees currently employed in other staff positions.

   b. Job Selection Procedures - to review all job descriptions and job-selection procedures within the next year and double-check job descriptions to insure that all requirements are necessary and predictive as performance. All job selection and interview procedures shall be reviewed to insure that applicants are considered on the basis of the same qualifications and criteria.

   c. Training - to continue to release staff for special institutes or in-service programs concerned with minority problems. Each year the district superintendent is to review the district's fair employment practices with the persons of the district responsible for selection, hiring and promotion of personnel. This is to insure continued fair employment practices throughout the district. At least once each year special training sessions or college credit classes are to be offered to all staff members on cultural awareness.

6. Evaluation of Program:

   The following records will be maintained for and reviewed at least annually by the affirmative action committee, the superintendent, and the board to evaluate the status of the program.

   a. Utilization Analysis Chart as above.

b. A job applicant flow by minority status.

c. New employees by job classification, minority status and sex.

d. A rejection of employment by minority status and sex and reasons for rejection.

e. Promotion by job classification, minority status and sex, and the reasons.

f. Turnover by job classification, minority status and the reasons for turnover (e.g., dismissal, resignation, job elimination, etc.)

g. Employee participation in staff training programs.

h. A record of all discrimination complaints filed against the district and the disposition of these complaints.

7. Complaint Process:

a. Employees who believe they have been discriminated against because of race, national origin, religion, sex, age, handicap, or marital status shall present their grievance through the procedure adopted by the district.

Adopted: _____ Board of Education: _____

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

A MODEL DISTRICT EQUAL OPPORTUNITY (AFFIRMATIVE ACTION) PLAN

GOAL

The goal is to have an equitable distribution of minority group employees and women throughout the district. The goal and objectives of this plan resulted from consideration and analysis of the following criteria:

1. Federal requirements.
2. State requirements.
3. Oregon Board of Education requirements.
4. Oregon population data from the 1970 census for women and minorities.
5. Oregon work force data from the 1970 census for women and minorities.
6. A study of the organization of the district plus the positions and staffing of the district, turnover, retirements, etc.
7. The contribution women and minorities can bring to a job.

ADMINISTRATIVE RESPONSIBILITY

The Board is responsible for the development of the equal opportunity policy and affirmative action plan. Specific authority is delegated as follows:

1. The chief administrative officer will have the basic responsibility for implementation of equal opportunity and affirmative action. The superintendent will designate an affirmative action officer to coordinate the affirmative action program for the district. In implementing the policy and in defining and meeting the affirmative action objectives, the affirmative action officer may be advised and assisted by other district and Oregon Department of Education personnel.

2. All individuals responsible for selection and promotion of personnel are responsible for performing their functions without regard to age, handicap, religion, national origin, race, or sex, and primary responsibility for accomplishing the district objectives rests with them. However, all district employees must assist in the accomplishment of equal opportunity objectives.

3. The affirmative action officer is responsible for the overall coordination within the district. The affirmative action officer will advise the chief administrative officer and/or board on equal opportunity matters as required. The officer will review the plan periodically to insure equal opportunity throughout the district. The officer will monitor and evaluate the plan's accomplishments and will prepare memoranda to specify responsibilities and proposed action as required by this plan.

DISSEMINATION

1. The plan content will be disseminated to all employees.

2. Appropriate affirmative action material will be sent to all employees and posted on personnel bulletin boards.

3. Appropriate information from affirmative action reports will be distributed as reports are prepared.

4. Personnel policies and procedures will reflect the district's policy on equal employment opportunity.

5. Meetings will be held as required to disseminate, discuss and assess the implementation of employment opportunity policies and the Affirmative Action Program.

6. Recruiting sources including minority and women groups will be informed of the district's equal opportunity policy and asked to assist the district in its program.

7. So that all potential applicants are aware of this policy, the statement, "An Equal Opportunity Employer" will be included on all internal announcements of vacancies, on all media advertising or all announcements of vacancies sent for information to minority groups and women groups.

These are only suggested problem areas.

IDENTIFICATION OF PROBLEM AREAS

1. Specific Problem Areas Identified to Date:

   a. The administrative category positions in the district are predominately male and white. There are no known internships available to minorities and women in administration.

   b. Qualified minorities are in limited supply and especially in the administrative and professional categories.

   c. In all categories, minority staff of the district is less than the population percentage for minorities in Oregon (4.5%).

   d. Female staffing in the district is less than the work force percentage for women in Oregon (37.1%), in the categories of administrator, professional and the classified areas.

   e. Limited district funds may result in fewer vacancies, thus limit the recruitment program for minorities or women.

   f. Criteria and procedures for recruitment and selection of persons for some positions may not be relevant to job content.

   g. Classification structure needs revision to accommodate entry of minorities and women into the district service.

   h. Allied with the classification problem is the need for a training program to qualify minorities and women and integrate them into the district.

   i. The district must assume more responsibility and become more active, especially in the recruitment and selection process of minorities and women.

   j. Position descriptions must be kept current and must be relevant to the duties of the job.

   k. Announcements for vacancies must reflect realistic qualifications based on position description content.

   l. Contacts must be made and maintained with appropriate women's and minority groups to obtain candidates for consideration for vacancies. Announcements of vacancies must be sent to these groups.

2. Utilization Analysis

The utilization analysis assisted greatly in the identification of several problem areas. It became apparent that each of the personnel areas of recruitment, selection and placement, classification, pay, performance appraisal, training and education, promotion, work environment and grievances must be reviewed. The 1970 census data for population of minorities in Oregon (4.5%) and work-force data for women in Oregon (37.1%) were heavily relied upon in setting the objective of this plan.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

A SUGGESTED LIST OF OBJECTIVES AND TIMETABLES

These are suggested objectives. Local conditions will require possible adoption of other objectives and setting of appropriate timetables.

1. Staffing — Target Date

   a. Place a minimum of three minority employees in the professional and/or certificated category. _____

   b. Place a minimum of two minority employees in the secretarial-clerical category. _____

   c. Place a minority employee in each of the categories of skilled craftsman, semiskilled operative or unskilled laborer. _____

   d. Place a minimum of one minority employee and two female employees in the administrative category. _____

2. Recruiting

   a. The affirmative action officer will develop a proposed formal system to assure systematic outreach recruiting for minorities and women to assist in filling vacant positions in the district. This proposal will be submitted to the superintendent for his review and implementation. _____

3. Position Descriptions

   Position descriptions will reflect actual job requirements.

4. Career Ladders and Staff Development

   Administrators/supervisors will establish a procedure whereby career ladders and developmental opportunities will be identified and discussed with their employees. Personal objectives will be integrated with program objectives and reflected in each employee's work plan. The affirmative action officer will monitor this activity in accomplishing this objective and will submit a progress report to the superintendent.

5. Program Planning and Resource Allocation

The affirmative action officer will review the various functional areas of personnel administration for the purpose of identifying artificial barriers and problem areas which detract from equal employment opportunity in the district. The staff in each program area will engage in this activity along with the affirmative action officer. This activity will be initiated by _____ and will continue throughout the fiscal year. The superintendent personnel director and the affirmative action officer will then develop program activities in the district's plan for the fiscal year.

Administrators and supervisors will include additional resources required for the biennium in their budget request.

6. Work Plan for Affirmative Action Officer

The specific work plans reflecting training and activities of the affirmative action officer for the fiscal year will be developed by the superintendent. These plans will include specific objectives and timetables designed to add optimum value to the affirmative action program during the fiscal year.

COMPLAINT PROCESS

1. Employees who believe they have been discriminated against because of race, national origin, religion, sex, age, handicap or marital status shall present their grievances through the district's established procedure. However, the published procedure shall be modified to provide that the affirmative action officer shall be notified when a grievance of this type is initiated, and shall participate in its resolution as appropriate.

2. The affirmative action officer shall also be notified of any complaint made by an applicant for employment with the district, charging unfair discrimination for reasons of race, national origin, religion, sex, age, handicap or marital status. The officer shall investigate the matter and make a report and recommendations to the superintendent.

PROGRAM EVALUATION

The superintendent will be responsible for evaluating the effectiveness of the district's affirmative action program. This evaluation will occur in total during the fourth quarter of each fiscal year and in part throughout the year as objectives and timetables require. The district's affirmative action officer will assist the superintendent in the evaluations process. Any necessary corrective action found as a result of the evaluations will be initiated by the superintendent.

APPROACH TO EVALUATION

These are some guides to performing an equal employment evaluation that may be useful. This evaluation document should provide feedback sufficient to help improve the operation of the affirmative action program.

1. The evaluation is based on results. You want to know what action has been initiated and what has been achieved.

2. Be consultative. In addition to identifying problems you should jointly help work out solutions.

3. Aim at motivating improvement. Help to establish good relationships.

4. Assess managerial support and leadership. Does management support equal employment opportunity? How is it demonstrated? Ask these questions of several people in the organization.

5. Assess effectiveness of key equal employment opportunity officials. Interview them. Do they understand their duties? What have they done?

6. Assess allocation of resources to the program. Are resources adequate? Are they organized and administered effectively? Make suggestions!!

This evaluation process is two-fold. It consists of (1) a review of the affirmative action plan, and, (2) an on-site equal employment opportunity review. Be as thorough as practicable.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

ON-SITE REVIEW

A district may ask for or may provide for on-site review by a number of internal agency personnel to determine that there is evidence of the plan being implemented. The questions you are to answer for each area you examine are: What has been done? What is the evidence? Interview each person responsible for implementing the goals and, where possible, persons affected by results.

1. What action has been taken to implement each goal? (Attach list of actions according to goals in affirmative action plan.)

2. What new goals have been established since the plan was written? (Attach the organization's listing.)

3. What problems has this agency experienced in implementing its goals and meeting target dates? (Attach)

4. Review personnel management program areas and personnel records, particularly those which relate to employment, training and advancement of women and minorities. (Attach findings.)

5. Review EEO complaint records. Are complaint procedures understood? Do the records indicate a need for further study, training or corrective action?

6. Conduct in-depth interviews with management supervisors, union leaders, employees and EEO program staff. Do they understand the EEO program? Is there acceptance of the program? Can they identify problem areas which should be brought to management's attention?

7. Interview individuals and groups outside organization as appropriate, e.g., minority and women groups, other agencies.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

EVALUATION OF SCHOOL DISTRICT TITLE IX PROGRAM

A school district may find it useful to conduct an internal appraisal or to provide for an external visiting team to review status of a current equal educational program as it relates to sex equality. The following may be helpful.

1. Table of Contents

2. Introduction

   a. Administrative Responsibility

      (1) Title IX of the Education Amendments (Public Law 92-318) of 1972 was passed by Congress on June 23, 1972. On June 20, 1974, the Department of Health, Education and Welfare issued proposed regulations to implement Title IX. The final regulations became effective on July 21, 1975.

      (2) The Office for Civil Rights of HEW is the agency responsible for insuring compliance. The regional office responsible for our area is located in Seattle (Region X).

      (3) The basic purpose of this report is to identify the major requirements of Title IX which the _____ school district must meet. A copy of the text of rules and regulations for Title IX is attached to this report if you desire to study the provision in detail.

3. Purpose of Title IX

   Title IX provides that: "no person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program, or activity receiving federal financial assistance."

4. Staff Member Responsible for Compliance

   a. Required Information:

      (1) Name.

      (2) Office Address.

      (3) Telephone Number.

5. Title IX Policy (Sample Policy Statements)

   a. Is is the policy of _____ School District not to discriminate on the basis of sex in its educational programs, activities, or employment policies as required by Title IX of the 1972 Education Amendments. Inquiries regarding compliance with Title IX may be directed to _____ at _____ or to the Director of the Office for Civil Rights, Department of Health, Education and Welfare, 1321 Second Avenue, Seattle, Washington 98101.

   b. Equal educational opportunity and treatment shall be provided to all persons. No employee or student legally enrolled in the district shall on the basis of race, national origin, religion, sex, age, handicap, or marital status be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity administered or authorized by the district. (This statement combines state and federal requirements.)

6. Notification Statement (Sample)

   It is the policy of _____ School District not to discriminate on the basis of race, national origin, religion, sex, age, handicap, or marital status in its educational programs, activities, or employment practices. Continuous effort will be devoted to ensure an equal opportunity for all persons. Inquiries regarding compliance with this policy should be directed to _____ at _____.

7. Compliance Requirements

   a. In order to comply, the school district must:

      (1) Conduct a self-evaluation concerning admission and treatment of students, personnel and programs.

      (2) Develop plans to modify policies and practices that do not meet Title IX requirements.

   b. Designate a district employee to coordinate Title IX compliance efforts.

   c. Develop, adopt and publish student and employee grievance procedures for Title IX.

   d. Develop a procedure for notifying students, parents and staff of the district's intent to comply with Title IX.

   e. The district will include a statement of assurance of compliance with Title IX in all applications for federal financial assistance.

8. Program Evaluations. The following describes the categories that should be reviewed to determine the conditions that exist as a base for developing a positive corrective program.

a. Treatment of Students

(1) Findings:

(2) Recommendations:

b. Course Offerings

(1) Findings:

(2) Recommendations:

c. Counseling

(1) Findings:

(2) Recommendations:

d. Facilities

(1) Findings:

(2) Recommendations:

e. Athletics

(1) Findings:

(2) Recommendations:

f. Organizations

(1) Findings:

(2) Recommendations:

g. Marital or Parental Status

(1) Findings:

(2) Recommendations:

h. Employment

(1) Findings:

(2) Recommendations:

9. Complaint Procedures

The regulations state that districts must adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action prohibited by the regulations. Districts may use an existing grievance procedure for this purpose or may design a supplemental procedure specifically for Title IX.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

EVALUATION STATEMENTS RELATING TO EQUAL EDUCATIONAL OPPORTUNITY PLANS

The following statements have been developed to assist a school board to develop procedures for use in determining agreement with the intent of federal and state regulations regarding equal educational opportunity.

Local district school boards should consider the statements as they develop their own plans for meeting compliance standards for public schools. The statements are not all-inclusive but contain many of the expectations issued in state and federal rules and regulations related to equal educational opportunities for students.

1. Age

   a. Regardless of age, students may expect equal educational opportunities if legally enrolled in a public school or community college.

2. Handicapped

   a. All students, regardless of handicapping conditions, have a right to equal educational opportunities. This is extended to, but not limited to, the educable mentally retarded, the trainable mentally retarded, the emotionally disturbed, students with extreme learning problems, gifted and talented students, students with physical disabilities, such as blindness, deafness, speech defects, and those with locomotion problems.

   b. School buildings to be constructed or remodeled are to be planned in such a way that persons with handicaps can function safely and comfortably in the facilities. Attention is called to Oregon Building Code, Section 408, regarding the removal of architectural or structural barriers for physically disabled. It includes, but is not limited to, access to and use of various classrooms, restrooms, locker rooms, toilet stalls, dining areas, drinking fountains, phone booths, sidewalks, parking areas, curbs, entrances and exits.

   c. The curriculum content offered in the schools includes courses of study to aid students with handicaps to develop to their fullest potential, within the limitations of their impairments.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

d. School programs are formulated and adopted to eliminate or minimize, loss of educational content for students with handicaps.

e. Teachers identified to work specifically with students who have handicaps have the necessary professional training or are currently receiving that training.

3. National Origin

a. All students have the right to fair and equal opportunities and treatment in the public schools.

b. Recognition and consideration is given to students' cultural differences.

c. Expression by students of their cultural differences encouraged when these expressions fall within the scope of the students' educational program.

d. The instructional program is presented in the student's native language, until such time as the student is sufficiently able to receive instruction in English.

e. Special care is taken to explain and interpret school rules and the district's pupil conduct code to students of different racial and ethnic backgrounds. School districts have the responsibility to notify these students' parents of all school activities and regulations which are called to the attention of nonminority parents.*

f. An annual review of the district's pupil conduct code and other rules is undertaken by those in charge to determine their appropriateness for all students.

4. Racial and Ethnic Minorities

a. All students have the right to fair and equal educational opportunities and treatment in the public schools.

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*Districts developing policies relating to national origin and racial and ethnic minority students should become familiar with Title VI of the Civil Rights Act of 1964 available from Region 10 HEW Office, Office of Civil Rights, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

b. Teachers are knowledgeable about the ethnic and racial backgrounds of the students they are teaching.

c. Students are able to receive an education without having to forgo the expression of their ethnic and racial backgrounds. Students' freedom of expression should be encouraged unless those expressions constitute disruption of the orderly operation of the education process.

d. The curricular offerings present fair, accurate and unbiased racial and ethnic information about the characteristics and accomplishments of the minority as well as of the majority.

e. Care is taken in the selection and interpretation of testing instruments to be administered to students of varying ethnic and racial backgrounds to insure that the instruments are appropriate for their intended use.

f. Bilingual instruction is available for students who normally use another language until they are able to use the English language in a manner that allows full participation in regular classroom instruction.

5. Religion

a. Students are not denied their educational rights because of personal religious convictions.

b. Students have the right to recognition of their religious training and beliefs.

c. Released time for participation in religious instruction is granted as provided by ORS 339.420.

6. Sex

a. Procedures of admission to and retention in the schools cause no differentiation of eligibility on the basis of sex, particularly as they may relate to marital or parental status.

b. Access to course offerings and other aspects of an educational program or activity is available without distinction based on sex.

These are suggested policy statements. School boards should amend or otherwise alter the contents to meet local conditions and needs before adopting.

c. Instructional and guidance materials, including supplemental textbooks, do not portray males and females in a biased or stereotyped manner. Review procedures are established in an endeavor to insure that future instructional materials conform to this policy.

d. The roles of women and men are an integral part of the school curriculum. The cultural and historical achievements and contributions of both women and men are recognized.

e. Staff members are sensitized to sex bias and stereotyping to avoid degrading and discriminatory practices.

f. Students are not assigned by sex to classes or tasks within the school program, except for those in such areas as locker rooms, shower rooms, dressing rooms and lavatories which are used only by members of one sex.

g. School-sponsored sports provide equal opportunities for both sexes to use equipment and facilities. Adequate funding is provided to meet the needs of sports activities for both sexes. This does not mean that equal aggregate expenditures are required.

h. Physical facilities within the school plant are such that equal opportunity to participate in school courses and activities is insured for students of both sexes.

7. Marital Status

a. All married students shall have full rights to participate in all district activities and plans. No students shall be expelled from school or caused to suffer any loss of opportunity solely because that student is married.

b. Pregnant students shall be allowed to remain in class until, in the opinion of a licensed physician, the best interests of the student would be served by not attending school.

c. Pregnant students shall not be required to attend a separate program against their will. Districts which do operate a voluntary separate program for pregnant students shall assure themselves that the separate program contains the full range of classes and activities.